

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

THIS DOCUMENT RELATES TO:

*County of Westchester v. Abbott Laboratories, Inc., et al.*  
S.D.N.Y. Case No. 03-CV-6178

*County of Rockland v. Abbott Laboratories, Inc., et al.*  
S.D.N.Y. Case No. 03-CV-7055

*County of Onondaga v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0088

*The City of New York v. Abbott Laboratories, Inc., et al.*  
S.D.N.Y. Case No. 04-CV-06054

MDL NO. 1456

Civil Action No.  
01-CV-12257- PBS

Judge Patti Saris

**NOTICE OF INTENT TO FILE CONSOLIDATED COMPLAINT  
ON OR BEFORE JUNE 15, 2005**

Plaintiffs the City of New York and the New York Counties of Westchester, Rockland and Onondaga, all of whom are represented by Kirby McInerney & Squire, LLP ("KMS"), respectfully file this Notice of Intent to File a Consolidated Complaint on or before June 15, 2005. Such Consolidated Complaint will be filed on behalf of the above referenced plaintiffs, as well as all other New York Counties who have retained or are retaining KMS and who are in the process of filing complaints in their respective districts.

At the April 8, 2005 hearing, counsel had informed the Court of the intent to file this Consolidated Complaint by May 6, 2005. Additional time is required however in order to permit all Counties who have or are retaining KMS to complete the retention process, file their respective complaints, be transferred to the MDL and thereafter to join in the Consolidated Complaint. It is anticipated that this process will be complete by June 15, 2005. Should the Court require additional detail regarding the status of the various New York Counties' activities

in this regard (at present, over 50 counties have retained KMS or have indicated that they presently will do so), Counsel promptly will supply such.

KMS has conferred with counsel for defendants who have no objection to a June 15, 2005 filing of the Consolidated Complaint so long as defendants are afforded adequate time to brief any motion to dismiss the Consolidated Complaint. The parties will confer and propose to the Court a briefing schedule for defendants' motion promptly after the filing of the Consolidated Complaint.

Dated: May 3, 2005  
New York, New York

KIRBY McINERNEY & SQUIRE, LLP

By: /s/ Joanne M. Cicala

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**COUNSEL FOR THE COUNTIES OF  
WESTCHESTER, ROCKLAND, ONONDAGA  
AND THE CITY OF NEW YORK**

**Certificate of Service**

I certify that on May 3, 2005 a true and correct copy of the foregoing Notice Of Intent To File A Consolidated Complaint was served on all Counsel of Record by electronic service pursuant to Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

/s/ Aaron D. Hovan  
Aaron D. Hovan